

Kanab City Ordinance 1-1-13 O

An Ordinance Amending the Kanab City Beautification Commission

Whereas, Utah Code Annotated (UCA) 10-8-8 provides that Kanab City may establish and improve parks and public grounds; and,

Whereas, Utah Code Annotated (UCA) 10-8-10 provides that Kanab City may plant, direct, or regulate the planting of trees in parks and public grounds; and,

Whereas, Kanab General Ordinance Section 15-400 et seq. establishes the Kanab City Beautification Commission to assist in the above purpose as well as assist in the general beautification of Kanab; and,

Whereas, the Council desires to amend the membership requirements and other provisions related to the function of the board:

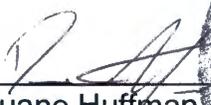
NOW THEREFORE, BE IT HEREBY ORDAINED BY THE KANAB CITY COUNCIL the Kanab City General Ordinance Sections 15-400 et seq. are amended to state as reflected in the attachments affixed to this ordinance.

All former codes or parts thereof conflicting or inconsistent with provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

The provisions of the code shall be severable, and if any provision thereof, of the application of such provision under any circumstance is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

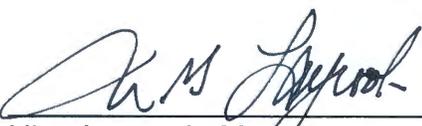
This ordinance shall be effective upon the required posting

Passed by the Kanab City Council this 8th day of January, 2013.



Duane Huffman, Recorder





Nina Laycook, Mayor

Section 15-400 Beautification/Shade Tree

Section 15-410 Establishing A Beautification/Shade Tree Commission

The Kanab City Beautification Commission (Commission) shall consist of ~~seven (7)~~ six (6) voting members and one non-voting City Council member liaison, each to be appointed by the Kanab Mayor with the advice and consent of the Kanab City Council. The Kanab City Council may designate by resolution the composition of the ~~Kanab City Beautification~~ Commission. It is the intent of this Ordinance that the ~~Kanab City Beautification~~ Commission not consist of members all of whom are from the same field of expertise. The ~~seven (7)~~ members of the ~~Kanab City Beautification~~ Commission shall be residents of Kanab City ~~and owners of property within said city. At least five (5) of the seven (7) members shall hold no other public office or position within the City of Kanab. The Kanab City Council shall appoint a representative from among its members to act as a liaison between the Kanab City Council and the Kanab City Beautification Commission.~~

Section 15-411 Term of Office

The terms of office for the six (6) ~~Kanab City Beautification~~ Commission members who are not members of the Kanab City Council shall be for three (3) years. The ~~Kanab City Beautification~~ Commission members' terms shall be staggered so that no more than two (2) members' terms shall expire at the same time. The term of the office for the Kanab City Council member designated as liaison for the ~~Kanab City Beautification~~ Commission shall correspond to his/her tenure of office as Kanab City Council member, and to his/her appointment as liaison with the ~~Kanab City Beautification~~ Commission. ~~Appointments to office will be made on or before the first Monday in April of each year~~ Terms are to begin on the first Monday of January.

Section 15-412 Vacancies and Removals for Cause

Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by appointment of the Mayor with the advise and consent of the Kanab City Council. The Kanab City Council shall have the right to remove any member of the ~~Kanab City Beautification~~ Commission for misconduct and may remove any member for non-performance of duty. Non-performance of duty shall include a repeated failure to attend ~~Kanab City Beautification~~ Commission meetings.

Section 15-413 Compensation

The ~~Kanab City Beautification~~ Commission shall serve without compensation, except that the Kanab City Council shall provide for reimbursement of the ~~Kanab City Beautification~~ Commission for actual expenses incurred, upon presentation of proper receipts and vouchers.

Section 15-414 Officers

The ~~Kanab City Beautification~~ Commission shall elect a Chairman and a Chairman Elect from among its members, whose terms in such offices shall be for one (1) year. ~~The Kanab City Beautification~~

~~Commission Chairman shall vote only in the case of a tie.~~ The Chair~~man~~ Elect shall ~~have been a member of the Beautification Commission at least one year before being elected to that position, and,~~ at the end of his or her term as Chair~~man~~ Elect shall become Chair~~man~~ unless the ~~Kanab City Beautification Commission~~ shall vote otherwise. In the absence of the Chair~~man~~, the Chair~~man~~ Elect shall serve as Chair~~man~~ Pro-Tem.

Section 15-415 Quorum and Vote

A quorum shall consist of ~~four (4)~~ three (3) voting members and a Chair~~man~~ or Chair~~man~~ Pro-Tem. ~~Evidence shall not be presented~~ No business shall be conducted unless a quorum is present. A majority vote shall be constituted of at least a majority of members present but no less than three (3) votes.

Section 15-416 Employees: Expenditures

The ~~Kanab City Beautification~~-Commission may, upon the approval of the Kanab City Council, employ experts and staff, including consultants and a secretary, and pay such expenses, exclusive of gifts, as may be reasonable and necessary for carrying out the duties defined in this Ordinance, providing that such expenditures may not exceed the amount appropriated for the operation of the ~~Kanab City Beautification~~-Commission by the Kanab City Council.

Section 15-417 Duties and Responsibilities

The duties and responsibilities of the Commission are as follows:

- A. The ~~Kanab City Beautification~~-Commission may adopt such rules and procedures as it may deem necessary for the prior conduct of its business.
- B. To keep records of its proceedings, such record shall be open to inspection by the public at all reasonable times.
- C. To study the problems, ~~and~~ determine the needs, and make recommendations to the City Council and City Staff related to ~~of the City of Kanab, Utah, in connection with its community forest~~ issues of general beautification and nuisances.
- D. To recommend adoption and then periodically review and recommend updates of a Kanab City Community Forest Plan, which designates the type and kind of trees to be planted upon municipal streets and in parks.
- E. To collect and ~~allocate~~ recommend the allocation funds from public and private sources for the planning and management of the Community Forest and the beautification of Kanab City.
- F. To assist in the dissemination of news and information regarding the selection, planting, and maintenance of trees and plants within the corporate limits, whether they be on public or private property and to make such recommendations from time to time to the City Council as to desirable legislation concerning the ~~communtiy~~ community forest program and activities for the municipality.
- G. To consider, investigate, make finding, report, and recommend upon any special matter or question within the scope of its work when requested by the City Council.

- H. ~~To consider and decide matters dealing with nuisance complaints as described in the Kanab City Nuisance Ordinance.~~ Generally promote the beautification of Kanab City through public outreach, education, service projects, and other activities.

~~Section 15-418 Standards of Issuance~~

~~The Commission shall issue the permit provided for herein if, in its judgment the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. Any permit granted shall contain a definite date of expiration and the work shall be completed in the time allowed in the permit and in the manner as therein described. Any permit shall be void if its terms are violated.~~

~~Notice of completion shall be given within five (5) days to the Commission for their inspection.~~

~~Section 15-419 Arborists License and Bond~~

~~It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a City Business License. No license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any such business license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$250,000.00 for bodily injury and \$250,000.00 property damage, indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.~~

Section 15-420 Review by City Council

The City Council shall have the right to review the conduct, acts, and decisions of the **Beautification** Commission. Any person may appeal any ruling or order of the Commission to the City Council who may hear the matter and make a final decision.

Section 15-421 Penalties

~~Any person violating any provision of this Ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$299.00.~~